92-332

FILED
AUG 17 1992
OFFICE OF THE CLERK

No.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term 1992

CITIZENS TO SAVE STATE HOSPITAL, and
VICKI WITTENBREDER,
Petitioners,

V.

COMMONWEALTH OF PENNSYLVANIA,
ROBERT P. CASEY,
JOHN R. WHITE, and
ROBERT BROWN,
Respondants.

PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME CORT OF PENNSYLVANIA

CITIZENS TO SAVE STATE HOSPITAL
814 Mulberry Street
Scranton, Pa. 18434

VICKI WITTENBREDER
Rural Route 4, Box 296
Lake Ariel, Pa. 18536

8-17-92

16pp

QUESTIONS PRESENTED

1. Whether the law firm, Williams & Cuker, by its attorney, Alan H. Casper, practiced a fraud on petitioners and on the courts below in violation of due process and equal protection of the laws secured by the U. S. Constitution, Amendment 14(1) by:

   a. falsely pretending to be counsel for petitioners, without their consent and against their will in furtherance of an unlawful conspiracy;

   b. filing a forged set of Articles of Incorporation of CITIZENS TO SAVE STATE HOSPITAL in the Commonwealth Court in furtherance of the conspiracy;

   c. causing the Commonwealth Court to erroneously enter an order directing its Chief Clerk to pay "to petitioner's counsel a check in the amount of $8,772.10.

LIST OF PARTIES

CITIZENS TO SAVE STATE HOSPITAL, a Pennsylvania nonprofit corporation, No. 709312, incorporated on May 28, 1980, has no parent companies, subsidiaries, or affiliates.

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APPENDIX A

1-16-90 Supreme Court of Pa order filed which affirmed Commonwealth dated 4-20-90

APPENDIX B

5-18-92 Supreme Court of Pa. order which denied petitioners' Application For Reargument

APPENDIX C

4-20-90 Commonwealth of Pa, which ordered $8,772.10 bond cash refunded to attorney Casper

No.

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COMMONWEALTH OF PENNSYLVANIA,
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Respondents.

PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF PENNSYLVANIA

The petitioners, CITIZENS TO SAVE STATE HOSPITAL, and VICKI WITTENBREDER, respectfully pray that a writ of certiorari issue to review the order of the Supreme Court of Pennsylvania filed on 1-16-92 which "affirmed" the order of the Commonwealth Court. Appendix A.

OPINION BELOW

No opinion was rendered by the courts below.

The Supreme Court order filed on 1-16-92 is Appendix A.

The Commonwealth Court order dated 4-20-90 is Appendix B.

The Supreme Court by its order on 5-18-92 denied petitioners' Application For Reargument. Appendix C.

JURISDICTION

January 16, 1992 is the date of the order of the Supreme Court of Pennsylvania sought to be reviewed. Appendix A.

May 18, 1992 is the date petitioners' Application For Reargument was denied. Appendix B.

Jurisdiction is invoked under 28 USC Section 1257(3).

CONSTITUTIONAL PROVISION INVOLVED

AMENDMENT XIV (1)

"...No State shall...deprive any person of life, liberty, or property, without due process of law; nor deny...the equal protection of the laws...."

STATEMENT OF THE CASE

The law firm, Williams & Cuker, by attorney Alan H. Casper entered into an unlawful conspiracy on or about November 10, 1989, with Angie Drazba and others to, among other things, form a rump organization of CITIZENS TO SAVE STATE HOSPITAL, and fraudulently cause the Commonwealth Court to issue a bond refund to Alan H. Casper, attorney for the rump organization

A $10,000 cash bond had been previously posted in the Commonwealth Court by the genuine CITIZENS TO SAVE STATE HOSPITAL, incorporated 5-28-80, No. 709312.

In furtherance of the conspiracy, the conspirators filed in the Commonwealth Court a forged set of Articles of Incorporation on which was forged the names of,

Angie Drazba, and
John Drazba,

as incorporators.

Petitioners timely and vigorously protested to the lower courts of the facts set forth above, including the false representation, and forgery to no avail.

In a document filed by attorney Michael B. Sutton of the Pennsylvania Attorney Generals' Office, he suggested that the court below resolve the matter but it failed to do so.

It never addressed the matter but, wrongfully,

> "...directed to return <u>to petitioner's counsel</u> a check in the amount of $8,772.10..." ($10,000 less a printing chargeof $1,227.90= $8,772.10)

Attorney Alan H. Casper obtained the $8,772.10 and refuses to make restitution.

Subsequently, petitioners discovered that attorney Casper and the Supreme Court of Pennsylvania Prothonotary, Charles W. Johns had discussed this case and that Mr. Johns made suggestion or recommendation to

attorney Casper, ex parte, to the prejudice of petitioners.

Deputy Attorney General Sutton stated that he is "DISINTERESTED" in the return of bond money.

On the contrary, he should investigate the matter to determine whether crimes have been committed and if so, prosecute.

This case presents important questions under the U. S. Constitution, Amendment 14(1).

REASONS FOR GRANTING THE WRIT

This case presents questions whose resolution will have immediate importance far beyond the particular facts and parties involved.

It is the purpose of this honorable Court to secure rights and uniformity of judgments.

In a sense, petitioners are defending a class action, tremendously important principles upon which are basedthe plans, hopes and aspirations of a great many people throughtout the country.

FIRST, the questions are substantial.

SECOND, the questions were properly raised below.

THIRD, the decisions below cannot be sustained on an independent ground of state law.

Petitioners submit, the decision below is in conflict with other decisions of this Supreme Court of the United States and is plainly wrong.

CONCLUSION

For the above reasons, petitioners submit that they should be granted this Petition For A writ of Certiorari.

Respectfully submitted

CITIZENS TO SAVE STATE HOSPITAL

By Gene Basalyga, President
814 Mulberry Street
Scranton, Pa. 18510

Vicki Wittenbreder, pro se
Rural Route 4, Box296
Lake Ariel, Pa. 18436

A P P E N D I X

APPENDIX A

[J-103-1992]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

No. 84 M.D. Appeal Docket 1990

Appeal from the Order of the Commonwealth court entered on 4/30/90 at No. 1746 C.D. 1988

SUBMITTED: MAY 6, 1991

CITIZENS FOR STATE HOSPITAL,
DOCTOR ALEXANDER M. MUNCHAK,
CHAIRMAN, VICKY WITTENBREDER,
PRESIDENT OF SENIOR CITIZENS OF
LACKAWANNA COUNTY

V

COMMONWEALTH OF PENNSYLVANIA,
ROBERT P. CASEY, GOVERNOR, HON.
JOHN R. WHITE, SECRETARY OF DE-
PARTMENT OF PUBLIC WELFARE OF
THE COMMONWEALTH AND
ROBERT BROWN, PRESIDENT OF THE
BOARD OF TRUSTEES OF SCRANTON
STATE GENERAL HOSPITAL

O R D E R

PER CURIAM: FILED: JANUARY !¢, !(((@

The order of the Commonwealth
Court is affirmed

Judgment entered

S/ Shirley Bailey
Chief Clerk

APPENDIX B

[J-103-1991]
IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT

No.84 M.D. Appeal Docket 1990

SUBMITTED: May 6, 1991

CITIZENS FOR STATE HOSPITAL, et al.
Appellants

V.

COMMONWEALTH OF PENNSYLVANIA, et al.
Appwllees

O R D E R

PER CURIAM:

AND NOW, this 18th day of May, 1992, Appellants' Application for Reargument is denied.

TRUE AND CORRECT COPY:
Attest: May 18, 1992

S/ Shirley Bailey
Chief Clerk

APPENDIX C

IN THE SUPREME COURT OF PENNSYLVANIA
No. 1746 C.D. 1988

CITIZENS FOR STATE HOSPITAL,
DOCTOR ALEXANDER M. MUNCHAK,
CHAIRMAN et al.,
Petitioners

V.

COMMONWEALTH OF PENNSYLVANIA,
ROBERT CASEY, GOVERNOR, et al.,
Respondents

CERTIFIED FROM THE RECORD
AND ORDER EXIT
APR 23 1990
C R HOSTETLER
Deputy Prothonotary-Chief Clerk

PER CURIAM ORDER

NOW, April 20, 1990, upon consideration of the motion of Gene Basalyga "to order release of the $10,000.00 cash deposit made by Committee to Save State Hospital with the Prothonotary," petitioner's response thereto, and Commonwealth respondent's answer thereto, it is hereby ordered as follows:

1. Said motion is denied.

2. The Chief Clerk is hereby directed to return to petitioner's counsel a check in the amount of $8,772.10 payable to "Citizens to Save Scranton State."